

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re:	Application No. 10/806,832	)	
		)	<b>Confirmation No. 4230</b>
Filed:	March 23, 2004	)	
		)	
Applicants:	Nishikawa et al.	)	
		)	
Title:	<b>Filter Criteria and Results</b>	)	This Appeal Brief was electronically filed
	<b>Display Apparatus and Method</b>	)	on September 21, 2009 using EFS-Web.
		)	
Art Unit:	2426	)	
		)	
Examiner:	Joshua D. Taylor	)	
		)	
		)	
Attorney Docket:	7114/81205	)	
		)	
Customer No.:	22242	)	
		)	

Mail Stop APPEAL BRIEF -- PATENTS  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

**APPEAL BRIEF**

Sir:

Pursuant to 37 C.F.R. § 41.37, the Applicants hereby respectfully submit the following Brief in support of their appeal.

Application No. 10/806,832

APPEAL BRIEF dated September 21, 2009

Notice of Appeal dated July 1, 2009; Notice of Panel Decision dated August 21, 2009

## **TABLE OF CONTENTS**

(1)	Real Party in Interest .....	3
(2)	Related Appeals and Interferences .....	3
(3)	Status of Claims .....	3
(4)	Status of Amendments .....	3
(5)	Summary of Claimed Subject Matter .....	3
(6)	Grounds of Rejection to Be Reviewed on Appeal .....	8
(7)	Argument .....	8
(8)	Claims Appendix .....	16
(9)	Evidence Appendix .....	20
(10)	Related Proceedings Appendix .....	21

Application No. 10/806,832

APPEAL BRIEF dated September 21, 2009

Notice of Appeal dated July 1, 2009; Notice of Panel Decision dated August 21, 2009

**(1) Real Party in Interest**

The real parties in interest are Sony Corporation, a Japanese corporation, with offices in Tokyo, Japan, and Sony Electronics Inc., a Delaware corporation having a primary place of business in Park Ridge, New Jersey, both of which are assignees of the present application.

**(2) Related Appeals and Interferences**

There are no related appeals or interferences known to appellant, the appellant's legal representative, or assignee that will directly affect, or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

Claims 1-17 are pending and presently stand twice and finally rejected and constitute the subject matter of this appeal.

**(4) Status of Amendments**

No post-final amendments have been submitted.

**(5) Summary of Claimed Subject Matter**

A concise explanation of this subject matter appears as follows in the form of claim subject matter maps (with corresponding references to the specification by page and line number (or paragraph numbering where appropriate) and to the drawing(s) (if any) by figure number and reference characters where applicable.<sup>1</sup>

---

<sup>1</sup> There are no means plus function (or step plus function) recitations in any of the claims involved in this appeal, and therefore there is no identification of any corresponding structure, material, or acts in the specification in this regard. It will be understood that this summarization of the claimed subject matter is, in fact, a "summary" and that the Applicants do not represent or intend that this brief presentation, or the accompanying references to the drawings and the specification, comprise an exhaustive presentation in this regard. As always, the claims are to be viewed and interpreted in view of the context of the entire specification sans the Abstract.

Application No. 10/806,832

APPEAL BRIEF dated September 21, 2009

Notice of Appeal dated July 1, 2009; Notice of Panel Decision dated August 21, 2009

***Independent Claim 1***

	Specification Paragraphs/ Figure Numbers
A method comprising: - providing (21) access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of data;	FIG. 2, FIG. 4 0022-0023, 0027, 0031- 0032, 0040-0041
- providing (22) at least a first and a second characterizing descriptor filter;	FIG. 2, FIG. 4 0022-0023, 0029, 0033, 0043
- simultaneously displaying (23): - a first plurality of user-selectable characterizing descriptor filter criteria (31) as corresponds to the first characterizing descriptor filter, the first plurality of user-selectable characterizing descriptor filter criteria displayed as a horizontal row of user-selectable characterizing descriptor filter criteria;	FIG. 2, FIG. 3, FIG. 4 0022-0024, 0029, 0033- 0036, 0042-0043
- a second plurality of user-selectable characterizing descriptor filter criteria (33) as corresponds to the second characterizing descriptor filter, the second plurality of user-selectable characterizing descriptor filter criteria displayed as a horizontal row of user-selectable characterizing descriptor filter criteria;	FIG. 2, FIG. 3 , FIG. 4 0022-0024, 0029, 0033- 0036, 0042-0043

Application No. 10/806,832

APPEAL BRIEF dated September 21, 2009

Notice of Appeal dated July 1, 2009; Notice of Panel Decision dated August 21, 2009

	Specification Paragraphs/ Figure Numbers
- at least a portion of the characterizing descriptors (32) as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria, the portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria displayed as a horizontal row of characterizing descriptors (32) positioned between the first plurality of user-selectable characterizing descriptor filter criteria (31) and the second plurality of user-selectable characterizing descriptor filter criteria (33).	FIG. 2, FIG. 3, FIG. 4 0022-0023, 0034-0036, 0041

***Independent Claim 10***

	Specification Pages/Line Numbers Figure Number/ Reference Character
An interactive data display system (10) comprising: - characterizing descriptors (15) as individually correspond to a plurality of discrete selectable items of data (12);	FIG. 1, FIG. 2, FIG. 4 0022-0023, 0027, 0032, 0040
- at least a first and a second characterizing descriptor filter (15);	FIG. 1, FIG. 2, FIG. 4 0022-0024, 0029, 0033- 0036, 0042-0043

	Specification Pages/Line Numbers Figure Number/ Reference Character
<ul style="list-style-type: none"> <li>- control circuitry (11) that simultaneously displays (14): <ul style="list-style-type: none"> <li>- a first plurality of user-selectable characterizing descriptor filter criteria (31) as corresponds to the first characterizing descriptor filter, the first plurality of user-selectable characterizing descriptor filter criteria displayed as a horizontal row of user-selectable characterizing descriptor filter criteria;</li> </ul> </li> </ul>	FIG. 1, FIG. 2, FIG. 3, FIG. 4 0022-0024, 0026, 0029, 0033-0036, 0042-0043
<ul style="list-style-type: none"> <li>- a second plurality of user-selectable characterizing descriptor filter criteria (33) as corresponds to the second characterizing descriptor filter, the second plurality of user-selectable characterizing descriptor filter criteria displayed as a horizontal row of user-selectable characterizing descriptor filter criteria;</li> </ul>	FIG. 2, FIG. 3, FIG. 4 0022-0024, 0029, 0033- 0036, 0042-0043
<ul style="list-style-type: none"> <li>- at least a portion of the characterizing descriptors (32) as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria(31, 33), the portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria displayed as a horizontal row of characterizing descriptors (32) positioned between the first plurality of user-selectable characterizing descriptor filter criteria and the second plurality of user-selectable characterizing descriptor filter criteria.</li> </ul>	FIG. 2, FIG. 3, FIG. 4 0022-0023, 0034-0036, 0041

***Independent Claim 12***

	Specification Pages/Line Numbers Figure Number/ Reference Character
An interactive program guide system (10) comprising: - characterizing descriptors (15) as individually correspond to a plurality of discrete selectable items of audio/visual content (12);	FIG. 1, FIG. 2, FIG. 4 0022-0023, 0027, 0032, 0040
- at least a first and a second characterizing descriptor filter (15);	FIG. 1, FIG. 2, FIG. 4 0022-0024, 0029, 0033- 0036, 0042-0043
- control circuitry (11) that simultaneously displays (14): - a first plurality of user-selectable characterizing descriptor filter criteria (31) as corresponds to the first characterizing descriptor filter, the first plurality of user-selectable characterizing descriptor filter criteria displayed as a horizontal row of user-selectable characterizing descriptor filter criteria;	FIG. 1, FIG. 2, FIG. 3 , FIG. 4 0022-0024, 0026, 0029, 0033-0036, 0042-0043
- a second plurality of user-selectable characterizing descriptor filter criteria (33) as corresponds to the second characterizing descriptor filter, the second plurality of user-selectable characterizing descriptor filter criteria displayed as a horizontal row of user-selectable characterizing descriptor filter criteria;	FIG. 2, FIG. 3 , FIG. 4 0022-0024, 0029, 0033- 0036, 0042-0043

Application No. 10/806,832

APPEAL BRIEF dated September 21, 2009

Notice of Appeal dated July 1, 2009; Notice of Panel Decision dated August 21, 2009

	Specification Pages/Line Numbers Figure Number/ Reference Character
- at least a portion of the characterizing descriptors (32) as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria (31, 33), the portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria displayed as a horizontal row of characterizing descriptors (32) positioned between the first plurality of user-selectable characterizing descriptor filter criteria and the second plurality of user-selectable characterizing descriptor filter criteria.	FIG. 2, FIG. 3, FIG. 4 0022-0023, 0034-0036, 0041

**(6) Grounds of Rejection to be Reviewed on Appeal**

Claims 1-4 and 6-15 are rejected under 35 U.S.C. § 103(a) given Ellis at al. (U.S. Patent No. 7,065,709) in view of Robertson (U.S. Patent No. 7,149,983). Claims 5 and 16-17 are rejected under 35 U.S.C. § 103(a) given Ellis in view of Robertson and Billmaier et al. (U.S. Patent No. 7,159,177) and further in view of Robarts et al. (U.S. Publication No. 2005/0278741). Applicants dispute these rejections.

**(7) Argument**

**Rejections under 35 U.S.C. § 103(a)**

*Claims 1-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis in view of Robertson and further in view of Billmaier*

Applicants claim a method and system providing an interactive program guide. Applicants' guide provides users with an organized and convenient way to navigate among a multitude and variety of program options by allowing users to apply multiple filters to the



available programming options. Applicants' guide simultaneously displays user-selectable filter criteria along with the programming options resulting from the user's selection of the filters. The guide also allows users to readily navigate around the guide to change the filter criteria, and as the user changes the filter criteria, the guide displays the resulting programming options matching the filter criteria along with the filter criteria.

An illustrative embodiment of this feature of the invention is shown in FIG. 4

(reproduced at the right), in which Applicants provide for simultaneous displaying a horizontal row (31 and 33) of first and second user-selectable characterizing filter criteria ("1<sup>st</sup> and 2<sup>nd</sup> Filter Criterion A-C") along with a horizontal row (32) of characterizing descriptors ("1<sup>st</sup>-3<sup>rd</sup> Characterizing Descriptor(s)") that correspond to a present setting of the first

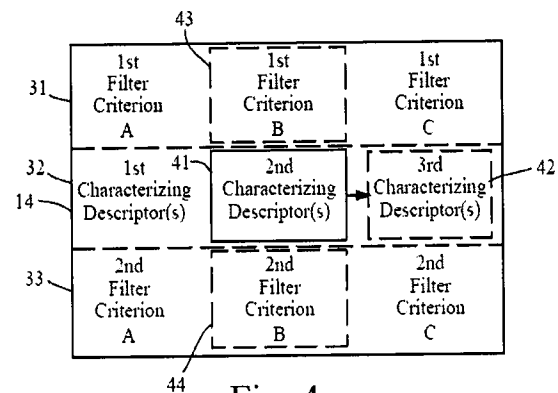


Fig. 4

and second plurality of user-selectable characterizing filter criteria. Applicants further provide that the first and second characterizing descriptor filter criteria (31 and 33) are displayed simultaneously in rows above and below the characterizing descriptors (32) corresponding to a present setting of the first and second user-selectable characterizing descriptor filter criteria.

In operation, the user selects specific filter criterion in the upper row and in the lower row, and the resultant display, in the center row, comprises corresponding programming results that meet these filter criteria. The user may view a program corresponding to a particular characterizing descriptor by moving an area of focus 41 over that selection in row 32. Alternatively, the user may change the filter criteria by moving the area of focus 41 to select among the other available filter criteria in rows 31 and 33. As the user selects among the different filter criteria in rows 31 and 33, the corresponding filtered programming results are displayed in row 32. This allows the user to conveniently filter programming options according to specific user-selected criteria and change one or more of the filter criteria while

Application No. 10/806,832

APPEAL BRIEF dated September 21, 2009

Notice of Appeal dated July 1, 2009; Notice of Panel Decision dated August 21, 2009

simultaneously viewing the results of the filtering. This feature of Applicants' invention is also discussed in paragraphs [0036-0039] and [0042].

The Board should completely reverse these rejections under 35 U.S.C. § 103(a). The Examiner acknowledges that neither Ellis nor Robertson discloses displaying first and second characterizing descriptor filter criteria in horizontal rows along with characterizing descriptors corresponding to a present setting of the first and second filter criteria where the characterizing descriptors are displayed in a row positioned between the rows of first and second characterizing descriptor filter criteria. The Examiner relies on Billmaier to satisfy this deficiency. With all due respect, Billmaier does not satisfy this deficiency at least because Billmaier fails to disclose first and second characterizing descriptor filters arranged in horizontal rows. No fair combination of Ellis, Robertson, and Billmaier that does not rely upon the hindsight application of Applicants' own teachings will yield the recitations of Applicants' claims. The reasons the Board should reverse the final rejection are explained in more detail below.

*Independent claims 1, 10 and 12*

In making this rejection, the Examiner relies upon Ellis's presentation of an interactive program guide system, and more particularly, upon Ellis's disclosing "several characterizing descriptive fields, such as actor, genre, and start time."<sup>2</sup> As acknowledged by the Examiner, this is different from the Applicants' claimed approach. For example, in claim 1, the Applicants specify "simultaneously displaying: a first plurality of user-selectable characterizing descriptor filter criteria," "a second plurality of user-selectable characterizing descriptor filter criteria as corresponds to the second characterizing descriptor filter," and "a portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria." Applicants further specify that "the portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria displayed as a horizontal row of characterizing descriptors positioned between the first plurality of user-selectable characterizing descriptor filter criteria and the second plurality of user-selectable characterizing descriptor filter

---

<sup>2</sup> Office Communication of April 1, 2009 at page 2.

criteria.” Examples of such features are exemplified above in the discussion of Applicants’ FIG.

4. Independent claims 10 and 12 include similar limitations.

Ellis does not disclose an apparatus or method that simultaneously displays user-selectable characterizing descriptor criteria and characterizing descriptors corresponding to a present setting of the first and second characterizing filter criteria. To meet this deficiency in Ellis, the Examiner relies upon Robertson, and more particularly upon Robertson disclosing “several separate lists of search criteria, all of which simultaneously displays selectable characterizing descriptors.”<sup>3</sup> As acknowledged by the Examiner, however, the disclosures in Ellis and Robertson are still deficient because neither reference discloses “the first plurality of user-selectable characterizing descriptor filter criteria is displayed as a horizontal row of user-selectable characterizing descriptor filter criteria; the second plurality of user-selectable characterizing descriptor filter criteria is displayed as a horizontal row of user-selectable characterizing descriptor filter criteria; and the portion of the characterizing descriptors as correspond to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria is displayed as a horizontal row of characterizing descriptors positioned between the first plurality of user-selectable characterizing descriptor filter criteria and the second plurality of user-selectable characterizing descriptor filter criteria.”

To meet this deficiency in Ellis and Robertson, the Examiner relies upon Billmaier, which Applicants submit is clear error. The Examiner states that “Billmaier teaches that user interface can be configured so that there are horizontal and vertical rows in columns containing related information concerning television programming (Fig. 10, Col. 12, lines 5-54).”<sup>4</sup> The Examiner then suggests that “it would have been obvious to one of ordinary skill in the art that at the time of the invention to have a display organized in several horizontal sections.”

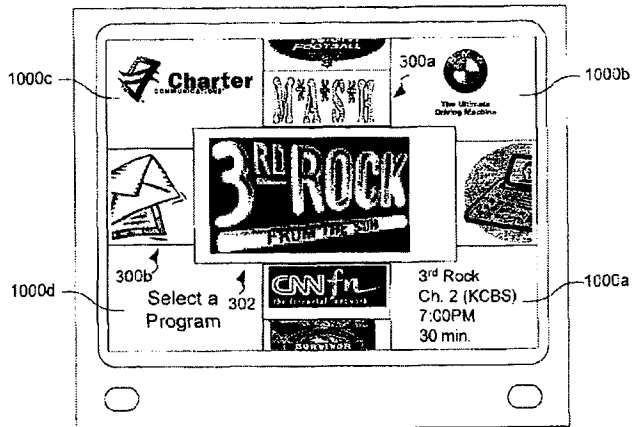
Applicant respectfully disagrees with the Examiner’s characterization of Billmaier.

---

<sup>3</sup> Office Communication of April 1, 2009 at page 3.

<sup>4</sup> Office Communication of April 1, 2009 at pages 3-4.

Billmaier discloses in Fig. 10 (reproduced at the right), a vertical listing of programs (with “3<sup>rd</sup> Rock From The Sun” selected as the focus area 302) surrounded by quadrants 1000a – 1000d. The quadrant referenced as 1000a contains program information related to the program in focus area 302. The quadrant referenced as 1000b is a car advertisement. The



quadrant referenced as 1000c is branding information for the cable provider. The quadrant referenced as 1000d presents the user with generic instructions on selecting a program. The disclosure in FIG. 10 is further explained in column 12, lines 4-54 of Billmaier. In particular, Billmaier discloses that “the intersection of two displayed sequences 300 *may generate quadrants 1000 that may be used for various purposes*. In one embodiment, the quadrants 1000 are context-sensitive regions that display supplemental information, advertising, or the like, depending on the card 200 in the focus area 302. In another embodiment, one or more quadrants 1000 may display information targeted to the user based on user profile information within the ITV system 100.” (emphasis added)

Importantly, Billmaier does not disclose that quadrants 1000a – 1000d are in the same “horizontal row.” Rather, Billmaier discloses that “the intersection of two displayed sequences 300a-b may generate quadrants 1000 that may be used for various purposes.” (Billmaier, column 12, lines 4-8) Quadrants 1000a – 1000d are situated at the corners of, and separated by, intersecting display sequences 300a-b. This point is reinforced by the disclosure in Billmaier that “in alternative embodiments, a single vertical or horizontal sequence 300a-b may result in the creation of hemispheres (not shown) rather than quadrants 1000.” (Billmaier at column 12, lines 48-51) In other words, the arrangement of “quadrants” or “hemispheres” is dictated by the configuration of horizontal or vertical sequences 300a-b, and not a design to arrange the information into rows. More particularly, the information in these quadrants cannot be fairly

Application No. 10/806,832

APPEAL BRIEF dated September 21, 2009

Notice of Appeal dated July 1, 2009; Notice of Panel Decision dated August 21, 2009

viewed as comprising “rows” because of the intervening vertically-displayed programming information.

In addition, there is no correlation between information in the quadrants of Billmaier because the quadrants are “used for various purposes.” (Billmaier column 12, lines 5-6) For example, quadrant 1000c, which displays the cable provider’s branding identification, bears no correlation with quadrant 1000b, which displays a car advertisement. Similarly, quadrant 1000d displays user instructions that bear no correlation to quadrant 1000a, which displays program information. Therefore, Billmaier does not disclose arranging quadrants as “rows” of information. Billmaier merely suggests dividing a display into quadrants, and displaying information in those quadrants related or unrelated to a program that is selected amongst a vertical row of programs dissecting the quadrants.

Moreover, the arrangement of quadrants or hemispheres in Billmaier does not contribute to the functionality of the interface because the quadrants are not “user-selectable.” The quadrants merely display information that may change depending on the program selected as the focus area. Applicant, on the other hand, provides for a display in which the filter criteria are displayed as horizontal rows of user-selectable items and where the results of the present setting of the filter criteria are displayed in a horizontal row between the rows of user-selectable filter criteria. As described in paragraphs [0036-0039] and [0042], the user can scroll along the rows of first and second filter criteria to select other filter criterion. The resulting characterizing descriptors corresponding to the selected filter criteria are displayed between the rows of filter criteria. The user can easily scroll upward or downward from the row of results to select different filter criteria. As the user selects different filter criteria, the results change. The orientation of filter criteria and results as described by Applicants permit the user to conveniently select different filter criteria by moving the areas of focus and simultaneously view the results in close visual proximity to the filter criteria. To modify Billmaier’s quadrants to make them user selectable would change their principle of operation in the absence of any reason to make such a change in the absence of Applicants’ own teachings.

Application No. 10/806,832

APPEAL BRIEF dated September 21, 2009

Notice of Appeal dated July 1, 2009; Notice of Panel Decision dated August 21, 2009

Given the failure of Billmaier to meet the deficiencies in the disclosures of Ellis and Robertson, the Applicant observes and submits that modifying either Ellis or Robertson based on Billmaier to include user-selectable characterizing descriptor filter criteria in horizontal rows and characterizing descriptors corresponding to the present setting of the first and second user-selectable characterizing descriptor filter criteria is hardly obvious and is certainly not a mere design choice. The quadrants disclosed in Billmaier are not arranged in rows; information in one quadrant is not correlated with information in the other quadrant; and the quadrants are not “user-selectable.” Therefore, the mere suggestion in Billmaier of arranging a display into a quadrant-styled configuration does not suggest modifying Ellis and Robertson to arrange the first and second filter criteria in rows above and below characterizing descriptors corresponding to the first and second user-selectable characterizing descriptor filter criteria.

Accordingly, and with all due respect, the Applicants submit that no combination of these three references, and certainly no fair combination that does not rely upon the hindsight application of the Applicants’ own teachings, will yield the recitations of independent claims 1, 10 and 12. Accordingly, the Applicants submit that claims 1, 10 and 12 are allowable over the references of record.

*Dependent claims 2-4, 6-9, 11, and 13-15*

Claims 2-4, 6-9, 11, and 13-15 are ultimately dependent upon one of the independent claims shown above to be allowable. While the Applicants believe that other arguments are available to highlight the allowable subject matter presented in various ones of these dependent claims, the Applicants also believe that the comments set forth herein regarding allowability of the independent claims are sufficiently compelling to warrant present exclusion of such additional points for the sake of brevity and expedited consideration.

*Dependent claims 5 and 16-17 were rejected under 35 U.S.C. § 103(a) given Ellis in view of Robertson and Billmaier et al. and further in view of Robarts et al.*

Application No. 10/806,832

APPEAL BRIEF dated September 21, 2009

Notice of Appeal dated July 1, 2009; Notice of Panel Decision dated August 21, 2009

Claims 5 and 16-17 are ultimately dependent upon one of the independent claims shown above to be allowable. While the Applicants believe that other arguments are available to highlight the allowable subject matter presented in various ones of these dependent claims, the Applicants also believe that the comments set forth herein regarding allowability of the independent claims are sufficiently compelling to warrant present exclusion of such additional points for the sake of brevity and expedited consideration.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Dated: September 21, 2009

/Joseph M. Marinelli/  
Joseph M. Marinelli  
Registration No. 46898

120 South LaSalle Street, Suite 1600  
Chicago, Illinois 60603-3406  
Telephone (312) 577-7000  
Facsimile (312) 577-7007

**(8) Claims Appendix**

1. A method comprising:

- providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of data;
- providing at least a first and a second characterizing descriptor filter;
- simultaneously displaying:
  - a first plurality of user-selectable characterizing descriptor filter criteria as corresponds to the first characterizing descriptor filter, the first plurality of user-selectable characterizing descriptor filter criteria displayed as a horizontal row of user-selectable characterizing descriptor filter criteria;
  - a second plurality of user-selectable characterizing descriptor filter criteria as corresponds to the second characterizing descriptor filter, the second plurality of user-selectable characterizing descriptor filter criteria displayed as a horizontal row of user-selectable characterizing descriptor filter criteria;
  - at least a portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria, the portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria displayed as a horizontal row of characterizing descriptors positioned between the first plurality of user-selectable characterizing descriptor filter criteria and the second plurality of user-selectable characterizing descriptor filter criteria.

2. The method of claim 1 wherein displaying at least a portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria further comprises not displaying any of the characterizing descriptors as do not correspond to the present setting of the first and second plurality of user-



Application No. 10/806,832

APPEAL BRIEF dated September 21, 2009

Notice of Appeal dated July 1, 2009; Notice of Panel Decision dated August 21, 2009

selectable characterizing descriptor filter criteria.

3. The method of claim 1 wherein providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of data further comprises providing access to textual characterizing descriptors as individually correspond to a plurality of discrete selectable items of data.

4. The method of claim 1 wherein providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of data further comprises providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of audio/visual content.

5. The method of claim 4 further comprising: simultaneously displaying at least one graphic image as individually corresponds to the at least a portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria.

6. The method of claim 4 wherein providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of data further comprises providing access to characterizing descriptors that comprise at least one of:

- a programming network identifier;
- a broadcast starting time;
- a description of the audio/visual content;
- content media source.

7. The method of claim 4 wherein the plurality of discrete selectable items of audio/visual content are embodied in a plurality of media.

8. The method of claim 1 wherein the present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria is selected in response to a remote control device.

9. The method of claim 1 wherein the present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria is selected in response to a remote control device by scrolling through candidate settings of the first and second plurality of user-selectable characterizing descriptor filter criteria.

10. An interactive data display system comprising:

- characterizing descriptors as individually correspond to a plurality of discrete selectable items of data;

- at least a first and a second characterizing descriptor filter;

- control circuitry that simultaneously displays:

a first plurality of user-selectable characterizing descriptor filter criteria as corresponds to the first characterizing descriptor filter, the first plurality of user-selectable characterizing descriptor filter criteria displayed as a horizontal row of user-selectable characterizing descriptor filter criteria;

a second plurality of user-selectable characterizing descriptor filter criteria as corresponds to the second characterizing descriptor filter, the second plurality of user-selectable characterizing descriptor filter criteria displayed as a horizontal row of user-selectable characterizing descriptor filter criteria;

at least a portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria, the portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria displayed as a horizontal row of characterizing descriptors positioned between the first plurality of user-selectable characterizing descriptor filter criteria and the second plurality of user-selectable

characterizing descriptor filter criteria.

11. The interactive data display system of claim 10 further comprising: a remote control device for selecting the present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria.

12. An interactive program guide system comprising:

- characterizing descriptors as individually correspond to a plurality of discrete selectable items of audio/visual content;

- at least a first and a second characterizing descriptor filter;

- control circuitry that simultaneously displays:

a first plurality of user-selectable characterizing descriptor filter criteria as corresponds to the first characterizing descriptor filter, the first plurality of user-selectable characterizing descriptor filter criteria displayed as a horizontal row of user-selectable characterizing descriptor filter criteria;

a second plurality of user-selectable characterizing descriptor filter criteria as corresponds to the second characterizing descriptor filter, the second plurality of user-selectable characterizing descriptor filter criteria displayed as a horizontal row of user-selectable characterizing descriptor filter criteria;

at least a portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria, the portion of the characterizing descriptors as corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria displayed as a horizontal row of characterizing descriptors positioned between the first plurality of user-selectable characterizing descriptor filter criteria and the second plurality of user-selectable characterizing descriptor filter criteria.

13. The interactive program guide system of claim 12 further comprising: a remote control

Application No. 10/806,832

APPEAL BRIEF dated September 21, 2009

Notice of Appeal dated July 1, 2009; Notice of Panel Decision dated August 21, 2009

device for selecting the present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria.

14. The interactive program guide system of claim 13 wherein the remote control device comprises at least one key for scrolling through candidate settings of the first and second plurality of user-selectable characterizing descriptor filter criteria.

15. The interactive program guide system of claim 14 wherein the remote control device further comprises at least one key for moving a focus from one characterizing descriptor filter to another characterizing descriptor filter.

16. The interactive program guide system of claim 12 wherein the control circuitry further simultaneously displays a program of audio/visual content.

17. The interactive program guide system of claim 12 wherein the control circuitry further simultaneously displays a preview of a discrete selectable item of audio/visual content as corresponds to the present setting of the first and second plurality of user-definable characterizing descriptor filter criteria.

(9) **Evidence Appendix**

None

Application No. 10/806,832

APPEAL BRIEF dated September 21, 2009

Notice of Appeal dated July 1, 2009; Notice of Panel Decision dated August 21, 2009

(10) **Related Proceedings Appendix**

None